

SUMMARY MINUTES

**BUILDING ADVISORY BOARD
ROOM 107, CITY-COUNTY BUILDING**

TUESDAY – FEBRUARY 14, 2006 – 4:00 P.M.

Members Present: Les Appleby, Vernie Stillings, Bob Dolan, Steve Barnett, Dallas Bruhl, Rick Walters, Bob Haworth, Kenny Hancock

Members Absent: Jim Manley, Henry Hoeffner

Staff Present: Mike Roberts, Sue Cline, Shandi Wicks (City Clerk's office), Jennifer Wyatt (City Prosecutor)

Meeting was called to order by Bob Haworth, Chairman, at 4:00 p.m.

(A) Approval of December 13, 2005 Minutes

MOTION: Vernie Stillings moved to approve minutes as written

SECOND: Bob Dolan seconded motion

VOTE: 8-0 approved

(B) Review of Annual Board Report

Mike Roberts presented staff report and commended the board for their consistent participation and their accomplishments in 2005.

(C) Review of "Truth in Advertising" provisions for licensed and registered contractors – Article III, Chapter 8 of the Salina Municipal Code

Mike Roberts presented staff report (copy of report included in these minutes) and also presented a summary of the history explaining how and why this issue is before the board today. Mike has consulted with Jennifer Wyatt, City Prosecutor regarding the proposed ordinance language and whether or not it is specific enough to be enforceable and whether or not it infringes on first amendment rights. Greg Bengtson, City Attorney, was also consulted prior to today's meeting for his opinion regarding the 1st amendment rights and concluded that the proposed language would not be an infringement on free speech. Mike went on to explain that it would be the responsibility of the contractor, not the advertising company or publication selling advertising, to know whether or not the disclaimer would have to be included in their chosen advertising for their company.

Bob Haworth expressed concern that the language highlighted in yellow was not specific enough. Upon further discussion and review of the language immediately preceding the yellow highlighted area, it was determined that his concern was addressed.

Mike Flory, President of Homebuilders Association: Mike asked if advertising on a vehicle would be subject to the disclaimer requirement.

Mike Roberts stated that it would be extremely difficult to enforce or monitor advertising on vehicles. There are many out of town contractors who advertise on their vehicles, but they might be in town only to pick up materials from supply houses. Mike stated that if he sees a handyman advertising on a vehicle with specifics that include electrical, plumbing or mechanical work, he would get the phone number and follow up with that company. Mike thinks that this would not be a problem most of the time. Vehicle advertising is usually not that specific. Mike said it is difficult to define what constitutes

a "media outlet" as referenced in the proposed language of the ordinance. Mike explained that he does follow up many times when there is advertising in the Buyer's Guide or the Salina Journal for the handyman who does it all.

Bob Dolan asked what the fines would be if a case went to court.

Mike Roberts said that it would be a misdemeanor subject to daily penalties/fines.

Dallas Bruhl expressed concern about the master tradesperson who lets his master licensed be used by a contractor but is not employed by that contractor.

Mike Roberts said that is a separate issue and is not directly tied to the advertising issue, but whenever he is aware of such a situation he does respond by contacting the parties involved and issuing a warning and then any future problem would be subject to referral to Municipal Court for prosecution and/or a show cause hearing before the City Manager and possible probation or revocation of the master's license and the contractor's license. Mike said that even though it occurs, it is not allowed and he can only deal with it when he is aware of the specific situations.

Bob Dolan asked how many prosecutions there have been in the last five years.

Mike Roberts indicated that there have been three referrals to Municipal Court for prosecution, but none of those were for tradesman loaning out their licenses, but rather for registered contractors performing work for which they were not licensed.

Bob Haworth brought item back to the board again for action.

MOTION: Rick Walters moved to recommend adoption of the ordinance language as proposed for changed to Chapter 8, Article III, Section 185

SECOND: Dallas Bruhl seconded the motion

DISCUSSION: None

VOTE: 8-0

Mike Roberts said the next step will be to take this proposed language to the City Commission the end of February – probably the 27th.

(D) Other Business

Mike Roberts reminded the board that election of the Chairman and Vice-Chairman will occur at the March 14, 2006 meeting. No other business was presented.

MOTION TO ADJOURN: Meeting was adjourned directly by Mr. Haworth at 4:37 p.m.